



Questions and Answers Regarding the Final Rule Designating Critical Habitat for the Santa Ana Sucker

Q. What is the Santa Ana sucker?

The Santa Ana sucker (*Catostomus santaannae*) is a fish native to streams in the Los Angeles Basin in southern California. The Santa Ana sucker is currently restricted to three geographically separate populations in three different stream systems in southern California: (1) the lower and middle Santa Ana River; (2) East, West, and North forks of the San Gabriel River; and (3) the lower Big Tujunga Creek.

Much like other members of the sucker family, the Santa Ana sucker has large lips and a small mouth that enables it to ‘vacuum’ algae and invertebrates from stream beds. Adult Santa Ana suckers average about 6 inches in length and have dark, blotchy backs with silvery colored undersides.

The species has lost about 75 percent of its historic habitat as a result of modifications to streams from diversions, dams, flood control features, and effects of urbanization. On April 12, 2000 the Santa Ana sucker was listed as a threatened species under the Endangered Species Act of 1973, as amended. A fourth population of Santa Ana sucker in the Santa Clara River is not listed under the Act because the Service had no information available at the time the species was listed to indicate this was a native population.

Q. How many streams are designated as critical habitat for the Santa Ana sucker?

The final rule designates approximately 21,129 acres of streams in Los Angeles and San Bernardino counties as critical habitat for the Santa Ana sucker. This designation includes portions of the main stem of the Santa Ana River and portions of its City, Chino, Mill, and Cucamonga Creek tributaries; segments of the East, West, and North forks of the San Gabriel River and portions of Cattle Canyon, Bear, and Big Mermaid’s Creek tributaries; and a stretch of Big Tujunga Creek and portions of its Stone Canyon, Delta Canyon, Gold Canyon, and Little Tujunga Canyon Creek tributaries.

All of the areas designated as critical habitat contain one or more of the primary constituent habitat elements essential to the conservation of the species, although not all of these areas are known to be occupied by the Santa Ana sucker.

Q. What are the primary constituent elements essential to the Santa Ana sucker?

The Santa Ana sucker requires the following habitat components to fulfill their biological needs for population growth, feeding, sheltering, breeding, reproduction, and rearing of offspring: (1) A functioning hydrological system that experiences peaks and ebbs in the water volume

throughout the year; (2) a mosaic of sand, gravel, cobble, and boulder substrates in a series of riffles, runs, pools and shallow sandy stream margins; (3) water depths greater than 1.18 inches and water bottom velocities of more than 0.098 feet per second; (4) non-turbid conditions or only seasonally turbid conditions; (5) water temperatures less than 86° Fahrenheit; and (6) stream habitat that includes algae, aquatic emergent vegetation, macro invertebrates, and riparian vegetation.

Q. Why did the U.S. Fish and Wildlife Service publish a final rule without prior public comment?

As a result of a court order, the Service is required to complete a final designation of critical habitat for the Santa Ana sucker by Feb. 21, 2004. Until such designation is made, the Service cannot complete consultations or issue letters of concurrence for projects that may affect the species. The injunction on completing consultations means that the Service and other Federal agencies cannot meet their responsibilities under section 7 of the Act. It also means the Service cannot ensure that activities authorized, funded, or permitted by Federal agencies will not jeopardize the continued existence of the Santa Ana sucker.

The Service found good cause pursuant to section 553 of the Administrative Procedure Act to issue a final rule without prior public review and comment because it determined that such review would be impracticable and contrary to the public interest. Given the court ordered deadline to complete a final rule and the fact that the Service was unable to initiate work on the rule until Oct. 1, 2003 because of funding shortfalls, it was not practicable to delay completion of the rule until public review could occur. The current injunction also prevents the Service from completing consultations on projects in a timely manner. Some of the projects, including two bridge replacement/retrofit projects are important for human health and safety.

Additionally, the Act allows the Service to issue a final rule if it determines that the rule is necessary to conserve a threatened or endangered species. The Service determined that it is necessary to publish a final rule designating critical habitat for the Santa Ana sucker, because such a rule would make it possible for the injunction to be lifted. That in turn would allow the Service to resume consultations with Federal agencies on projects that may affect the Santa Ana sucker, so that these projects do not jeopardize the continued existence of the species.

Q. Will the public have any opportunity to comment on critical habitat for the Santa Ana sucker?

Yes. Although the final rule designating critical habitat for the Santa Ana sucker becomes effective immediately, the Service has also published a concurrent proposed rule to designate critical habitat for the species. The proposed rule is open to public review and comment until 5:00 p.m. April 26, 2004. The Service must also complete an economic analysis for the critical habitat designation. Comments and information received on the proposed rule will assist the Service in preparing the economic analysis and determining whether any changes to the final designation are necessary. If changes are required, then the Service can publish a revised final rule in the future.

Q. What areas were excluded from critical habitat, and why?

Some essential habitat for the Santa Ana sucker was excluded from the critical habitat designation because the Service determined that the benefits of excluding the areas were greater

than the benefits of including them as critical habitat.

The Service excluded essential Santa Ana sucker habitat that occurs in areas covered by the draft western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and areas to be covered by a programmatic consultation for the Santa Ana Sucker Conservation Program and Associated Maintenance and Operation Activities of Existing Water Facilities in the Santa Ana River. The Service has determined that these exclusions from the critical habitat designation will not result in the extinction of the Santa Ana sucker.

Q. How do I comment on the proposed rule?

The Service is actively soliciting comments or suggestions from the public, other government agencies, the scientific community, industry representatives and any other interested party. The Service is particularly interested in comments regarding:

(1) The reasons why any habitat should or should not be designated as critical habitat as provided by section 4 of the Act, including whether the benefit of designation will outweigh any threats to the species due to designation;

(2) Specific information on the present amount and distribution of Santa Ana sucker habitat, the amount that is essential to the conservation of the species, and why it is essential;

(3) Land use designations and current or planned activities in the subject areas, as well as their possible impacts on proposed critical habitat;

(4) Any foreseeable potential impacts, economic or otherwise, that would result from the proposed designation and, in particular, any impacts on small entities; and

(5) Whether the Service's approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to help accommodate public concerns and comments.

Written comments and information on the proposed designation of critical habitat for the Santa Ana sucker will be accepted through 5:00 p.m. April 26, 2004, and should be sent to Field Supervisor, Carlsbad U.S. Fish and Wildlife Service office, 6010 Hidden Valley Road, Carlsbad, California 92009. Requests for a public hearing must be submitted in writing to the Carlsbad office by 5:00 p.m. on April 12, 2004.

Comments may also be submitted by electronic mail (e-mail) to **fw1sasur1.fws.gov**. Please submit e-mail comments in ASCII format and avoid the use of special characters or encryption. Also, please include "Attn: RIN-1018-AT57" in the subject header, and your name and return address in the body of your message. If you do not receive a confirmation from the system that the Service has received your e-mail, please contact the Carlsbad U.S. Fish and Wildlife Service office at 760/431-9440.

All comments received, either written or oral, are given equal weight and will be considered during the decision-making process. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the Carlsbad U.S. Fish and

Wildlife Service office (phone: 760/431-9440).

U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office

